

Applicants: Leslie Lobel and Joyce Lustbader  
Serial No.: 09/804,626  
Filed: March 9, 2001  
Page 2

REMARKS

In the August 8, 2003 Office Action, the Examiner required restriction of the invention under 35 U.S.C. §121 to one of the following allegedly independent and distinct inventions: Group I, comprising claims 1, 2, 4, 7, 16, 18, 24-26; Group II, comprising claims 32 and 33; Group III, comprising claims 34 and 36; Group IV, comprising claims 35 and 37; Group V, comprising claims 38, 39, and 41; Group VI, comprising claims 40 and 42; Group VII, comprising claim 44; Group VIII, comprising claim 45; and Group IX, comprising claims 46 and 47.

In response, applicants elect, with traverse, claims 1, 2, 4, 7, 16, 18, 24-26, corresponding to Group I, for prosecution at this time.

Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement. Under 35 U.S.C. §121, restriction may be required if two or more independent and distinct inventions are claimed in one application. Applicants maintain that the inventions of Groups I-IX are not independent.

Claims 1, 2, 4, 7, 16, 18, 24-26 are directed to nucleic acids, cells, and methods for the production of the recombinant polypeptides of this invention, and the polypeptides thus produced. Claims 32-47 are directed to antibodies generated against these polypeptides and methods of using the antibodies and the polypeptides of the instant invention. Thus, the claims of Groups I-IX are not directed to independent inventions and restriction is not proper.

Furthermore, applicants maintain that search and examination of the entire application can be made without undue burden, i.e., that the search and examination of Groups II-IX would not pose an undue burden once Group I has been searched and examined. Examination on the merits is therefore required under the provisions of M.P.E.P. §803. Thus, applicants respectfully request that the Examiner

Applicants: Leslie Lobel and Joyce Lustbader  
Serial No.: 09/804,626  
Filed: March 9, 2001  
Page 3

examine the application on the merits, despite the Examiner's assertion that it includes claims to distinct inventions.

In view of the remarks made herein, applicants maintain that the Examiner's restriction made in the August 8, 2003 Office Action is not proper under 35 U.S.C. §121 and respectfully requests that she reconsider and withdraw same.

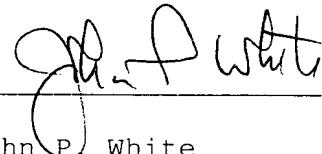
**Summary**

In view of the remarks made herein, applicants maintain that the claims pending in this application are in condition for allowance. Accordingly, allowance is respectfully requested.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

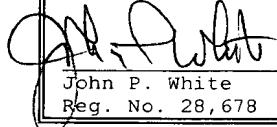
Respectfully submitted,



John P. White  
Registration No. 28,678  
Attorneys for Applicants  
Cooper & Dunham, LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

  
9/8/03  
Date

John P. White  
Reg. No. 28,678